

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RONALD DEWAYNE CUMMINS,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-09-347-M
)	
JUSTIN JONES,)	
)	
Respondent.)	

ORDER

On August 31, 2009, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommends that the petition for a writ of habeas corpus be summarily dismissed as time-barred pursuant to 28 U.S.C. § 2244(d)(1). It is further recommended that, in light of the foregoing recommendation, that the following motions filed by petitioner be denied: Request for the State to Certify the Record [docket no. 5]; Request to Expand the Record [docket no. 6], Motion for Evidentiary Hearing [docket no. 7]; and Request for Oral Argument [docket no. 8]. Petitioner was advised of his right to object to the Report and Recommendation by September 21, 2009. On that date, petitioner filed his objections.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the well-reasoned and thorough Report and Recommendation issued by the Magistrate Judge on August 31, 2009;
- (2) DENIES petitioner's Request for the State to Certify the Record; Request to Expand the Record, Motion for Evidentiary Hearing; and Request for Oral Argument; and
- (3) DISMISSES the petition for writ of habeas corpus without prejudice.

IT IS SO ORDERED this 25th day of September, 2009.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE